



**#230-21**

**Commonwealth of Virginia  
Virginia Department of Education  
Superintendent's Memo #230-21**

DATE: August 18, 2021  
TO: Division Superintendents  
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction  
SUBJECT: **Preparing for Instructional Disruptions During the 2021-2022 School Year**

As local school divisions prepare for the return to in-person learning amidst changing public health conditions, the Virginia Department of Education (VDOE) has received inquiries regarding school closures, quarantine, the use of remote instruction, and attendance. Recognizing the ongoing impact of COVID-19 and the anticipated need for closures and/or quarantine, divisions should be prepared for instructional disruptions at the school-, classroom-, and student-level. The memo is intended to assist school divisions in planning for these disruptions in a manner consistent with new and existing state requirements.

The following legislation passed by the General Assembly during its 2021 session should be considered with regard to instructional disruption and school closure:

- [Senate Bill 1303](#) (SB1303) mandates that all schools and public school-based early childhood care and education programs offer 180 days or 990 hours of in-person instruction to each student during the 2021-2022 school year, except when health conditions have necessitated classroom or school closures to address the level of transmission of COVID-19 in the school building. Such closures must be made in collaboration with the local health department and should only last “for as long as it is necessary to address and ameliorate the level of transmission of COVID-19 in the school building.”

- [House Bill 1790](#) and [Senate Bill 1132](#) (HB1790/SB1132) provide schools with new options to employ remote learning on unscheduled remote learning days which may be utilized in limited circumstances.

## Expectations for Remote Learning Options

In addition to in-person learning, divisions may still offer part- and full-time remote programs as an option to students for the 2021-2022 school year. For students who choose remote instruction, the expectation is that students will receive all instruction directed by a teacher, whether synchronous or asynchronous. VDOE recognizes that some components may be asynchronous and in those situations, students should have clear instructions regarding electronic communication with a teacher during instructional hours. This is analogous to students working independently at their desks while the teacher remains in the room for assistance, if needed. This does not preclude school divisions from having completely asynchronous options for certain students such as high school students in credit recovery or those taking individual courses asynchronously.

## Policy Considerations for Remote Learning

When offering a remote option, a school division's attendance policy should articulate what constitutes "in attendance" for remote instruction days. Students should be counted as present or absent, in accordance with that policy, for any remote learning day.

[Superintendent's Memo 188-20](#) provides attendance policy guidance for divisions, and strongly recommends tracking meaningful interactions on a daily basis with all students.

Any student electing to receive instruction remotely should continue to be allowed the option of in-person learning, whenever they choose, in order to meet the requirements of SB1303. In other words, students should not be "locked-in" to their remote option; students should be permitted to transition back to the in-person setting at any time.

Divisions may wish to consult VDOE's [Guidance for Successful Virtual Learning](#), developed pursuant to SB1303, for additional local policy considerations in developing a strong framework for student accountability, support, and intervention, as part of its remote program. Additionally, VDOE staff is working to publish a collection of virtual learning

resources that will provide information on best practices and resources for supporting virtual learners.

## Preparing for School or Classroom Closures

Divisions should be prepared for school- or classroom-level closures when public health conditions necessitate. Closure decisions should be made in consultation with local health departments.

If a school is closed consistent with the circumstances outlined in Section 3 of SB1303, then any remote instruction provided during these closures may be considered an “unscheduled remote learning day.” Pursuant to HB1790/SB1132, a school may apply up to 10 unscheduled remote learning days towards their 180-day or 990-hour requirement provided that instruction and other student services are delivered in alignment with VDOE’s [Guidance for Unscheduled Remote Learning Days](#). This guidance is currently available for public comment on Town Hall and is scheduled to become effective on September 1, 2021, assuming no revisions are necessary. If a school exceeds 10 unscheduled remote learning days, due to COVID-19 related closures or other triggering events, the division will need to seek approval on behalf of the eligible school(s) from the Superintendent of Public Instruction in order for the school to apply those additional days towards the 180-day or 990-hour requirement.

If a classroom or subset of a school is closed consistent with the circumstances outlined in Section 3 of SB1303, any remote learning should still be delivered in alignment with VDOE’s [Guidance for Unscheduled Remote Learning Days](#). However, the school would not need to count these closures towards the allowed 10 unscheduled remote learning days but schools should seek to recover any in-person instructional time lost due to the closure.

## Quarantining Students

In addition to school- and classroom-level closure plans, divisions should also be prepared to transition individual students in and out of in-person learning for quarantine related to COVID-19. In cases of quarantine, a student who is not ill and is able to participate in remote instruction should be offered meaningful opportunities to do so. Students should be counted as present or absent per that division’s policy on attendance tracking and monitoring for any remote learning day. If a division does not offer remote learning to a quarantined student,

the student should be counted as absent. This circumstance should be extremely rare, as divisions should be prepared to support students who are healthy enough to participate in remote learning during quarantine. It should be noted that school divisions must ensure that students with disabilities are offered a free and appropriate public education in accordance with federal and state regulations and guidance.

For the 2021-2022 school year, the Virginia Board of Education's [Regulations Governing Pupil Accounting Records](#) are effective, and therefore, a school is required to drop a student from the role after 15 consecutive school days of absence ([8VAC20-110-130](#)). This allows a student 15 consecutive days of absence as the result of quarantine or illness without being dropped from the role. However, to ensure these students are able to quickly transition back to learning when ready, divisions should prepare for expedited reenrollment if a student is absent longer than 15 consecutive days to ensure these students are included in average daily membership counts in the fall and spring.

VDOE highly recommends all divisions have policies and procedures – for instruction transition, attendance, and enrollment – in place for quarantined students. We anticipate additional need for these types of accommodations as health conditions and guidance continue to evolve. As a reminder, the definition of “a close contact” among students has changed for this school year and additional information can be found [in the most recent Virginia guidance](#) (page 13). contact

## For More Information

Local school divisions should continue to consult with local school board attorneys on the application of state law.

For more information on the 180-day/990-hour teaching time requirement or the use of remote instruction for meeting time requirements, please contact Leslie Sale, Director of the Office of Policy at [Leslie.Sale@doe.virginia.gov](mailto:Leslie.Sale@doe.virginia.gov) or (804) 225-2092.

JFL/lms